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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,005	01/18/2001	Kouji Komatsu	450100-02946	7272
20999	7590	05/19/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			LAMB, TWYLER MARIE	
			ART UNIT	PAPER NUMBER

2622

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,005

Applicant(s)

KOMATSU ET AL

Examiner

Twyler M. Lamb

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3-4, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda et al. (Maeda) (US 5,493,409).

With regard to claim 3, Maeda discloses a data processing device (Figure 3A, still video camera) comprising: a data input (taking lens 3; CCD 101)/output unit (printer case 2; printer section 111); a data memory unit (memory card 112) including a video recorder portion (col 7, lines 58-62); and a data processing unit including a printer unit (printer section 111) for printing picture data (col 12, line 56 – col 13, line 7), wherein said data input/output unit, said data memory unit and said data processing unit are housed in a single housing (Figure 3A; col 6, lines 10-12) and are connected in parallel to a data bus so as to allow for a data exchange to be executed selectively and directly between respective units without need of interposing any additional unit (which reads on the camera being able to function in various modes by using the mode changeover switch) (col 7, line 64 – col 8, line 56; col 11, line 15 – col 13, line 56).

With regard to claim 4, Maeda discloses wherein said data input/output unit includes a camera unit for taking a picture (Figure 3A still camera); and a picture data

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obtained by said camera unit is transferred via the data bus and is instantaneously entered as a still picture to be printed in said printer unit (col 12, line 56 – col 13, line 7; col 13, lines 51-56; col 30, lines 54-67).

With regard to claim 7, Maeda discloses wherein any part of motion pictures recorded on a video recording medium in said video recorder portion is transferred via the data bus to be instantaneously entered as a still picture and printed in said printer portion (col 13, lines 9-56).

With regard to claim 9, Maeda discloses wherein the video recorder portion is a video tape recorder (which reads on memory card) (memory card 112, col 7, lines 58-63; col 13, lines ; said data input/output unit includes a camera portion for taking a picture and an input/output interface portion; said data memory unit includes a built-in memory (memory 311 or 312) and a removable memory (memory card 112); said data processing unit includes a printer portion (printer section 111) for printing data (col 12, line 56 – col 13, line 7) and a picture display portion (display unit 24) for displaying data as a picture (col 30, lines 27-30); and data entered from said data input/output unit and/or from said data memory unit is transferred selectively via the data bus to be instantaneously entered as a still picture and printed in said printer portion (col 12, line 56 – col 13, line 7; col 13, lines 51-56; col 30, lines 54-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (Maeda) (US 5,493,409) in view of Silverbrook (US 6,750,901).

With regard to claim 5, Maeda discloses said data processing unit includes a printer portion (printer section 111) for printing data (col 12, line 56 – col 13, line 7).

Maeda does not specifically teach said data input/output unit including an input/output interface portion for entering external data; and said external data entered via said input/output interface portion is transferred via said data bus to be instantaneously entered as a still picture and printed in said printer.

Silverbrook discloses a digital instant printing camera that includes said data input/output unit including an input/output interface portion (optional USB port 52; optional mini-keyboard 57) for entering external data (col 12, lines 43-44; lines 48-49; col 18, lines 7-16); and said external data entered via said input/output interface portion is transferred via said data bus to be instantaneously entered as a still picture and printed in said printer (col 23, lines 48-52).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Maeda to include said data input/output unit including an input/output interface portion for entering external data; and said external data entered via said input/output interface portion is transferred via said data bus to be instantaneously entered as a still picture and printed in said printer as taught by Silverbrook.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Maeda by the teaching of Silverbrook to allow data input to customize prints as taught by Silverbrook in col 23, lines 48-52.

With regard to claim 8, Maeda does not specifically teach wherein said data input/output unit further including an input/output interface portion for exchanging data with an external device; and an external data from an external device entered via said input/output interface portion is allowed instantaneously to be printed in said printer portion.

Silverbrook discloses a digital instant printing camera that includes said data input/output unit further including an input/output interface portion (optional USB port 52; optional mini-keyboard 57) for exchanging data with an external device (col 12, lines 43-44; lines 48-49; col 18, lines 7-16); and an external data from an external device entered via said input/output interface portion is allowed instantaneously to be printed in said printer portion (col 23, lines 48-52).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Maeda to include said data input/output unit including an input/output interface portion for entering external data; and said external data entered via said input/output interface portion is transferred via said data bus to be instantaneously entered as a still picture and printed in said printer as taught by Silverbrook.


Response to Arguments

5. Applicant's arguments, see Amendment, filed 11/19/04, with respect to the rejection(s) of claim(s) 3-5, 7-9 under 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Maeda et al. (Maeda) (US 5,493,409) and Silverbrook (US 6,750,901).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 571-272-7406. The examiner can normally be reached on M-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Twyler M. Lamb
Primary Examiner
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